

to rule on the basis of its contents without the necessity of recourse to the record, and must meet the other requirements of the Board's Rules and Regulations as to its contents. The Regional Director's action is not stayed by the filing of such a request or the granting of review, unless otherwise ordered by the Board. Thus, the Regional Director may proceed immediately to make any necessary arrangements for an election, including the issuance of a notice of election. However, unless a waiver is filed, the Director will normally not schedule an election until a date between the 25th and 30th days after the date of the decision, to permit the Board to rule on any request for review which may be filed. As to administrative dismissals prior to the close of hearing, see § 101.18(c) of this subpart.

(e) If the election involves two or more labor organizations and if the election results are inconclusive because no choice on the ballot received the majority of valid votes cast, a run-off election is held as provided in the Board's Rules and Regulations.

#### **Subpart D—Unfair Labor Practice and Representation Cases Under Sections 8(b)(7) and 9(c) of the Act**

##### **§ 101.22 Initiation and investigation of a case under section 8(b)(7).**

(a) The investigation of an alleged violation of section 8(b)(7) of the Act is initiated by the filing of a charge. The manner of filing such charge and the contents thereof are the same as described in § 101.2. In some cases, at the time of the investigation of the charge, there may be pending a representation petition involving the employees of the employer named in the charge. In those cases, the results of the investigation of the charge will determine the cause of the petition.

(b) The investigation of the charge is conducted in accordance with the provisions of § 101.4, insofar as they are applicable. If the investigation reveals that there is merit in the charge, a complaint is issued as described in § 101.8, and an application is made for an injunction under section 10(1) of the Act, as described in § 101.37. If the in-

vestigation reveals that there is no merit in the charge, the Regional Director, absent a withdrawal of the charge, dismisses it, subject to appeal to the General Counsel. However, if the investigation reveals that issuance of a complaint may be warranted but for the pendency of a representation petition involving the employees of the employer named in the charge, action on the charge is suspended pending the investigation of the petition as provided in § 101.23.

##### **§ 101.23 Initiation and investigation of a petition in connection with a case under section 8(b)(7).**

(a)(1) A representation petition<sup>1</sup> involving the employees of the employer named in the charge is handled under an expedited procedure when the investigation of the charge has revealed that:

(i) The employer's operations affect commerce within the meaning of the Act;

(ii) Picketing of the employer is being conducted for an object proscribed by section 8(b)(7) of the Act;

(iii) Subparagraph (C) of that section of the Act is applicable to the picketing; and

(iv) The petition has been filed within a reasonable period of time not to exceed 30 days from the commencement of the picketing.

(2) In these circumstances, the member of the Regional Director's staff to whom the matter has been assigned investigates the petition to ascertain further: the unit appropriate for collective bargaining; and whether an election in that unit would effectuate the policies of the Act.

(b) If, based on such investigation, the Regional Director determines that an election is warranted, the Director may, without a prior hearing, direct that an election be held in an appropriate unit of employees. Any party aggrieved may file a request with the Board for special permission to appeal

<sup>1</sup>The manner of filing of such petition and the contents thereof are the same as described in § 101.17 of this part, except that the petitioner is not required to allege that a claim was made on the employer for recognition or that the union represents a substantial number of employees.